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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,770	02/28/2005	Shigeru Shirai	P26896	9878

7055 7590 07/25/2007  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER
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HUYNH, KHOA D

ART UNIT	PAPER NUMBER
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3751

NOTIFICATION DATE	DELIVERY MODE
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07/25/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

## Office Action Summary

Application No.

10/525,770

Applicant(s)

SHIRAI ET AL.

Examiner

Khoa D. Huynh

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,9-13,17-30 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,14-16,31,32 and 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/16/07; 5/31/05</u>  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Species 1 in the reply filed on 05/23/2007 is acknowledged. The traversal is on the ground(s) that the entire application could be examine without a serious burden. This is not found persuasive because the entire application contains a number of species that are patentably distinct from one another and including divergent claimed subject matter that separate the species. And such recognized divergent subject matter separating the species is a burden to examination.

Applicant also indicates that claims 1-5, 8, 14-16, 31, 32 and 34-37 are readable on the elected species. Accordingly, claims 6, 7, 9-13, 17-30 and 33 are withdrawn from further consideration as being drawn to the non-elected inventions.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 31, 32, 34 and 37, as presently understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Shigeru et al. (2000-213038).

Regarding claims 1, 2 and 37, the Shigeru et al. reference discloses a sanitary washing apparatus. The apparatus includes a human body washing nozzle device (50) having a discharge port (located in the head 50) that

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discharges washing water for washing the human body, and a nozzle cleaning device (at 28, also paragraph [0017]) that sterilizes at least an outer surface of the discharge port by high-temperature cleaning, wherein the nozzle cleaning device cleans the washing nozzle by heated washing water, wherein at least part of a surface of the washing nozzle is inherently subjected to water repellent processing.

Regarding claims 31, 32 and 34, the Shigeru et al. reference also discloses a washing instruction unit (at 13,14), wherein the washing instruction unit includes a remote control device (constituted by the sensor 37) that issues an instruction or signal to begin the washing operation, wherein the nozzle cleaning device inherently starts the cleaning operation for each predetermined time interval.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koji et al. (06-017471).

Regarding claims 1 and 2, the Koji et al. reference discloses a sanitary washing apparatus. The apparatus includes a human body washing nozzle device (53 or 3) having a discharge port (located in the head 53a or 4) that

discharges washing water for washing the human body, and a nozzle cleaning device (1h or 2b) that sterilizes at least an outer surface of the discharge port by heated wash water (paragraph [0006]). Even though the Koji et al. reference does not specifically disclose that the heated wash water is a high-temperature cleaning, it, however, would have been obvious to one skill in the art to recognize that the heated wash water is obviously high-temperature cleaning water since such heated water is used to sterilize the washing nozzle.

Regarding claim 3, even though the Koji et al. reference does not specifically disclose that the heated wash water having a flow rate of not less than 0.3 liters per minute as claimed, it, however, would have been obvious to one of ordinary skill in the art to employ such flow rate for the heated wash water since discovering an optimum value for flow rate of heated wash water involves only routine skill in the art.

Regarding claim 4, even though the Koji et al. reference does not specifically disclose that the heated wash water having a temperature of not less than 55 degrees C as claimed, it, however, would have been obvious to one of ordinary skill in the art to employ such degrees C for the heated wash water since discovering an optimum value for degrees C of heated wash water to effectively sanitize a washing nozzle involves only routine skill in the art.

Regarding claim 5, even though the Koji et al. reference does not specifically disclose that the heated wash water having a temperature of more than 100 degrees C as claimed, it, however, would have been obvious to

one of ordinary skill in the art to employ such degrees C for the heated wash water since discovering an optimum value for degrees C of heated wash water to prevent scalding involves only routine skill in the art.

Regarding claims 14 and 15, wherein the nozzle cleaning device comprises a heating device (at 1c) that heats the washing water, and a spray device (1g, 1h or 2b) that sprays the washing water heated by the heating device to the human body washing nozzle device, wherein the human body washing nozzle device discharges the washing water heated by the heating device to the human body from the discharge port.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over modified Koji et al. (as discussed supra) in view of Matsui et al. (4581779).

The Koji et al. reference DIFFERS in that it does not specifically include a plurality of washing nozzles as claimed. Attention, however, is directed to the Matsui et al. reference which discloses another a sanitary washing apparatus having a plurality of washing nozzles (30,31) for washing different parts of the human body. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Koji et al. apparatus by employing a plurality of washing nozzles, in view of the teaching of Matsui et al., in order to wash different parts of the human body.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over modified Koji et al. (as discussed supra) in view of Shigeru et al. (2000-213038).

The Koji et al. reference DIFFERS in that it does not specifically include another heating device as claimed. Attention, however, is directed to the Shigeru et al. reference which discloses another a sanitary washing apparatus having another heating device (at 28) for heating the washing water. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Koji et al. apparatus by employing another heating device, in view of the teaching of Shigeru et al., in order to provide additional heat to the washing water.

8. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over modified Shigeru et al. (as discussed supra) in view of Sato et al. (2004/0019962).

The Shigeru et al. reference DIFFERS in that it does not specifically disclose that the washing nozzle is formed of a stainless steel material as claimed. Attention, however, is directed to the Sato et al. reference which discloses another a sanitary washing apparatus having a washing nozzle made from a stainless steel material (paragraph [0243]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Shigeru et al. apparatus by employing a washing nozzle formed of stainless steel, in view of the teaching of Sato et al., in order to provide minimize surface roughness. Furthermore, it is generally known that stainless steel material is a heat-resistant material.

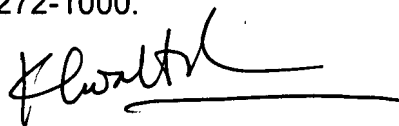
**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (571) 272-4888. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Khoa D. Huynh  
Primary Examiner  
Art Unit 3751